

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Initially, the Applicants would like to thank the Examiner for the indication that claims 1-4, 6-14, 19-21, and 26 are allowed.

In the Official Action, the Examiner objects to claim 17 because the word --unit-- should be inserted after the word "projecting" on line 5 thereof. In response, claim 17 has been amended as suggested by the Examiner. Accordingly, it is respectfully requested that the objection to claim 17 be withdrawn.

In the Official Action, the Examiner rejects claims 17, 18, 24, and 25 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,561,526 to Huber (hereinafter "Huber"). Additionally, the Examiner rejects claims 15-18 and 22-25 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application No. 2002/0118970 A1 to Miyoshi (hereinafter "Miyoshi") in view of Huber.

In response, claims 15-18 and 22-25 have been amended to clarify their distinguishing features.

In the Official Action, the Examiner indicates that an amendment of claims 15-18 and 22-25 to recite "an angle adjusting unit to adjust or change the illumination angle or to change the projection angle..." would place such claims in condition for allowance (see the "Response to Amendment" section of the Official Action at page 3, paragraph 6).

Therefore, claim 15 has been amended as follows:

"a projecting unit configured to project a pattern on the object in photographing, the projecting unit including an optical system having a projection view angle and a projection view angle adjusting unit configured to set or adjust the projection view angle;
wherein when one of two boundary lines delimiting a field of view from the first viewpoint which is closer to the second

viewpoint is defined as a first boundary line, one of two boundary lines delimiting a field of view from the second viewpoint which is closer to the first viewpoint is defined as a second boundary line, and the first boundary line and the second boundary line intersect at an intersection point, the projecting unit projects the pattern at the projection view angle set or adjusted by the projection view angle adjusting unit in accordance with an area in which all points are distant from the intersection point with respect to the photographing optical system, the area being one of areas delimited by the first boundary line and the second boundary line with the intersection point at a top"

Claims 16-18 and 22-25 have been similarly amended.

The present amendment to claims 15-18 and 22-25 are fully supported in the original disclosure. Thus no new matter has been entered into the disclosure by way of the present amendment to claims 15-18 and 22-25. Furthermore, the issue raised by the present amendment to claims 15-18 and 22-25 has been previously raised in response to the previous Official Action as well as by the Examiner in the outstanding Official Action. Therefore, the present amendment to claims 15-18 and 22-25 does not raise new issues that require further consideration and/or a further search. As discussed above, the Examiner indicates in the Official Action that such an amendment would lead to allowance of the rejected claims.

With regard to the rejections of claims 17, 18, 24, and 25, under 35 U.S.C. § 102(b), a three-dimensional photographing apparatus having the features discussed above and as recited in independent claims 17, 18, 24, and 25, are nowhere disclosed in Huber. Since it has been decided that "anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,"¹ independent claims 17, 18, 24, and 25 are not anticipated by Huber. Accordingly, independent claims 17, 18, 24, and 25 patentably distinguish over Huber and are allowable. Consequently, the Examiner is

¹ Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

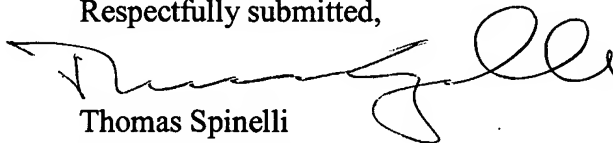
respectfully requested to withdraw the rejections of claims 17, 18, 24, and 25 under 35 U.S.C. § 102(b).

With regard to the rejection of claims 15-18 and 22-25 under 35 U.S.C. § 103(a), the same are not rendered obvious by the cited references because neither the Miyoshi patent nor the Huber patent, whether taken alone or in combination, teach or suggest a three-dimensional photographing apparatus or stereo adapter having the features discussed above. Accordingly, claims 15-18 and 22-25 patentably distinguish over the prior art and are allowable.

Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 15-18 and 22-25 under 35 U.S.C. § 103(a).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



Thomas Spinelli
Registration No. 39,533

Scully, Scott, Murphy & Presser
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343
TS:cm